

**PUBLIC HEARING
PROPOSED SPECIAL USE PERMIT
PLANNED UNIT DEVELOPMENT – THE GROVE
NEW WINDSOR TOWN HALL
JUNE 2, 2010 7:00 P.M.**

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Town Attorney Blythe, Police Lieutenant Farbent, Highway Superintendent Fayon

Supervisor Green called to order a Public Hearing regarding a proposed Special Use Permit for a Planned Unit Development to be located at The Grove and the Town Clerk presented proof of publication as required by law.

Supervisor Green said this has been referred to the Town Board by the Planning Board and asked Dominick Cordisco, the attorney for the Planning Board, if he had any comments. Mr. Cordisco said that Dan Hayes from Saybrook and Justin Dates from Mazur Consulting were here and would explain what they needed.

Dan Hayes said that at the Grove there are three types of townhouses – stacked townhouses, one car garage town homes and two car garage town homes. The one and two car garage town homes, because they only share two common walls, could be owned in fee simple or as condominiums. If they are owned in fee simple, homebuyers can qualify for various government insured mortgages and those mortgages can be gotten with as little as 3.5 to 5% down. Condominiums are more severely restricted and homebuyers have to put down as much as 10-15% in order to qualify for a mortgage. There are seventy townhouse units on the uphill side of Hawthorne Way which are two car garage units and can be owned as either condos or as fee simple and they were marketed as condos before the housing crisis and mortgage shortages. They will continue to market the units on the downhill side of the street as condominiums. The special use permit will change the way these prospective homeowners will hold title to their townhomes. These unit owners will still be members of the homeowners association, will pay the same dues, they will have the same rights and privileges, it is just simply changing the way homebuyers would hold title.

Supervisor Green asked if anyone had any comments.

Tula Friedman said she resides at the Grove and would like to know when construction will start and when the remaining units on Balsam Drive will be completed. Dan Hayes said the permit needs to be approved tonight by the Town Board, then it will be returned to the Planning Board who will give a one year approval. All the prospective builders that have been spoken to said these units need to be available as fee simple so that a choice can be offered to buyers. Mrs. Friedman asked if we are looking at a year away. Supervisor Green said that we can't say when the Planning Board's approval will come through, although it will probably take a few more meetings. Mr. Hayes said he couldn't say when he will be able to get a new builder to come in, it depends on the housing market, but the Special Use Permit must be approved before any builder will come in.

Herb Friedman asked if Mr. Hayes could answer the second part of the previous question about completing Balsam Drive. Mr. Hayes said it would depend on which units sell first, where the demand is. Mr. Friedman asked if they could get a rundown on the positives and negatives of the fee simple idea. Mr. Hayes said that on the positive side it will help him to resurrect a failed community; it will help attract builders who will attract more buyers at potentially higher prices. In terms of the downside, he could not think of one, because it would not affect other residents at all. Mr. Friedman asked if a fee simple would give them ownership of any of the land around their unit and Mr. Hayes said they would only own the footprint of their own unit.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the Public Hearing.

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MOTION – CLOSE PUBLIC HEARING

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor close the Public Hearing for a Special Use Permit for a Planned Unit Development located on Hawthorne Way in the Town of New Windsor and commonly known as The Grove at New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

MOTION – AUTHORIZE ISSUANCE OF A SPECIAL USE PERMIT

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, an application was made to the Town Board of the Town of New Windsor for a special use permit by Saybrook, L.L.C. (the "applicant") for a special use permit for a Planned Unit Development, pursuant to Town of New Windsor Zoning Law §300-31, et seq.; and

WHEREAS, following due notice the Town Board held a public hearing on June 2, 2010 on the proposed special use permit; and

WHEREAS, the subject site consists of fifty acres of land, is comprised of one tax map parcel in the Town of New Windsor identified as section 97, block 1, lot 1 (SBL 97-1-1) and is located on Hawthorne Way in the Town of New Windsor, New York; and

WHEREAS, the applicant has also applied to the Planning Board for subdivision and site plan approvals; and

WHEREAS, the proposed development is subject to the Town of New Windsor Zoning Law §300-31 et seq. setting forth the requirements applicable for a Planned Unit Development; and

WHEREAS, the Planning Board declared its intent to serve as lead agency under SEQRA and as SEQRA Lead Agency for a coordinated review, on April 28, 2010 adopted a negative declaration finding that there would be no significant adverse environmental impacts associated with this action; and

WHEREAS, New York General Municipal Law §§ 239-l, m and n require the referral of both the special use permit and site plan applications to the Orange County Planning Department ("OCPD") for its review and comment, which referral was made by letter dated July 16, 2009 and OCPD responded to on September 11, 2009 recommending approval subject to recommendations; and

WHEREAS, the Town Board now wishes to make certain determinations and grant the special use permit;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby concurs with the Planning Board's SEQRA negative declaration for this action; and

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2. The Town Board finds that the applicant has met the intent and the following objectives of the Town's Planned Unit Development zoning law:
 - A. A variety of housing types and ownership capabilities shall be provided, i.e., cooperatives, individual residences, condominiums with community facilities available to potential residents and rental apartments.
 - B. Usable open space, recreational facilities and reservation for educational facilities shall be provided in accordance with Planning Board requirements.
 - C. Accessory facilities may be located within the site where appropriate.
 - D. Outstanding topographical, geological and water resource features of the site shall be preserved to the maximum.
 - E. A creative and staged development of land shall be followed which allows for an orderly transition of land from vacant to occupied use.
3. The Town Board further finds that the comments made by OCPD relate to site plan issues and not special use permit issues. The Town Board defers consideration of OCPD's comments to the Planning Board as part of its review of the site plan; and
4. The Town Board further finds that the applicant has met the requirements of Zoning Law §300-31, et seq. and hereby grants a special use permit to the applicant for a Planned Unit Development consisting of 22 units, which approval is conditioned on the applicant's compliance with the requirements of the Town of New Windsor Zoning Law §300-31, et seq. and the receipt of site plan approval from the Planning Board.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

**DEBORAH GREEN
TOWN CLERK**

/clc